

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

VON ROY GERALD HOWE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:05-cv-402

CRIM. NO. 2:00-cr-111

JUDGE GRAHAM

MAGISTRATE JUDGE KING

OPINION AND ORDER

On May 2, 2005, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2255 Cases recommending that the instant motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. §2255 be dismissed as untimely. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby ADOPTED AND AFFIRMED. This action is hereby DISMISSED.

It is so ORDERED..

s/James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: May 26, 2005